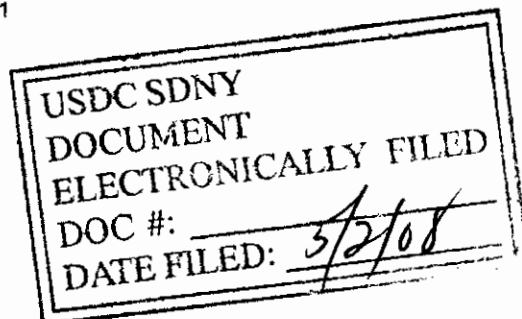


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April 29, 2008

**Via Facsimile 212-805-7941**

Honorable Loretta A. Preska  
Daniel P. Moynihan U.S. Courthouse  
500 Pearl Street, Room 1320  
New York, New York 10007

**RE: Kiewit Constructors, Inc. v. Building, Concrete, Excavating & Common Laborers Union Local 731 of Greater New York**  
**Case No. 08 CV 3946**

Dear Judge Preska:

We are the attorneys for the plaintiff in the above-referenced matter. Pursuant to our discussion with chambers yesterday, the following is the briefing schedule that has been agreed to by the parties:

- Opposition papers to be served and filed by May 27, 2008;
- Reply papers served and filed June 10, 2008; and
- Oral argument of the motion, June 18, 2008 at 9:00 a.m.

This is to further confirm that the parties have agreed to adjourn the arbitration pending a decision on this motion.

Thank you for your courtesies in this matter.

Respectfully yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

A handwritten signature in black ink, appearing to read "Mark A. Rosen".

Mark A. Rosen

MAR/jk

cc: Angelo Bisceglie, Esq. – via facsimile 973-742-7999

SO ORDERED:

A handwritten signature in black ink, appearing to read "Loretta A. Preska".

Loretta A. Preska, U.S.D.J.

*April 30, 2008*